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2. **EJECTMENT**—*Title by "court-right" proceedings—Possession at that time.* A plaintiff in ejectment who does not rely upon a grant from the Commonwealth, but endeavors to show that he has acquired the Commonwealth's title to the land in controversy by acts done and proceedings had under Section 41, Chapter 108, of the Code of 1873, as amended by the Act of March 6, 1880 (Acts 1879-'80, Ch. 214, p. 205), must bring himself within the terms of the Act. The Act provides, amongst other things, for a continuous settlement for five years and the payment of taxes within that time by the person having settled the same, and the title of the Commonwealth is to be relinquished to the person in possession of the land claiming the same under such settlement after having taken certain "court-right" proceedings therein provided for. If it appears that those under whom the plaintiff claims were not in possession of the land when they instituted the "court-right" proceedings provided for by that section, then the proceedings were without authority of law, and conferred no rights upon the parties claiming under them, and the plaintiff cannot recover.

BIGGS, FOR &C., v. ELLISTON DEVELOPMENT CO. AND OTHERS.—

Decided at Wytheville, July 16, 1896.—*Keith, P.* Absent, *Harrison, J.*:

1. **CORPORATIONS**—*Contract with stockholder—Estoppel.* A corporation may contract with one of its stockholders as with a stranger. There is nothing in the mere relation of stockholder to a corporation which will estop the stockholder from asserting any claim against the corporation which he might under similar circumstances assert against an individual.

2. **VENDOR'S LIEN**—*Effect of dividing land into town lots, with streets and alleys.*—If real estate be conveyed to a purchaser by a deed in which the vendor reserves a lien for balance of the purchase money, the purchaser cannot bind the vendor by any contract prejudicial to his interest. Although a purchaser subdivides land into blocks and lots, with convenient streets, lanes and alleys, and sells off a part of the lots, the whole is still bound to the vendor for the balance of the purchase money, unless some act or declaration on the part of the vendor, tending to deceive or mislead, or some contract or act of acquiescence, recognition or affirmance on his part of the dedication to the prejudice of his rights can be shown in evidence. Purchasers of a part of the land have the right to insist that the land shall be offered in the inverse order of alienation, but if, when so offered, it fails to bring sufficient to discharge the vendor's lien, the court should direct it to be sold as a whole, if thereby a better price can be obtained.

DUDLEY AND OTHERS v. MINER'S EX'ORS AND OTHERS.—Decided at Wytheville, July 16, 1896.—*Riely, J.* Absent, *Harrison, J.*:

1. **INJUNCTIONS TO ACTIONS AT LAW**—*Confession of judgment—Terms of confession.* A defendant in an action at law who has a distinct equitable defense as well as a legal defense, or who denies the right of the plaintiff to recover in any forum, legal or equitable, but who invokes the aid of equity as the more appropriate tribunal, under all the circumstances, in which to conduct the litigation, should not be required, as the price of coming into equity to enjoin the proceedings at law, to confess judgment at law. In such case it is not safe to require him